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Date
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Reference 42.14.84842/01	Application No./Patent No. 09004548.5 - 2403
Applicant/Proprietor International Flower Developments Proprietary Limited	

Communication

The partial European search report (R. 64 EPO) is enclosed.

The applicant is informed that if the European search report is also to cover inventions other than the invention(s) already searched and for which a meaningful search can be carried out, a further search fee must be paid for each of these inventions, in the present instance

1 search fees

within one month after notification of this communication.

The amount payable for each further search is EUR 1050,- (OJ EPO 2008, 5).

If applicable, a European search opinion covering those invention(s) for which a search fee has been paid will then be sent together with the European search report.

Copies of documents cited in the European search report are attached.

- ☒ 0 additional set(s) of copies of such documents is (are) enclosed as well.

The following have been approved:

- ☒ Abstract ☒ Title
☐ The Abstract was modified and the definitive text is attached to this communication.

The following figure(s) will be published together with the abstract:

Note to the users of the automatic debiting procedure

Unless the EPO receives prior instructions to the contrary, the fee(s) will be debited on the last day of the period for payment. For earlier payment(s) another method of payment must be used. For further details see the Arrangements for the automatic debiting procedure (see Supplement to OJ EPO 3/2009).



DUE DATES
NOTED
9/9/09



PARTIAL EUROPEAN SEARCH REPORT

Application Number

under Rule 64, paragraph 1 of the European Patent Convention EP 09 00 4548

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X	<p>DATABASE UniProt CANT_POPKI; source: Populus kitakamiensis 15 July 1998 (1998-07-15), KAWAI S.: "Caffeoyl-CoA O-methyltransferase (EC 2.1.1.104)" XP002406602 Database accession no. P93711 (Inventions 1 and 2) * the whole document *</p>	1-19	INV. C12N15/29 C12N15/11 A01H5/00 C07H21/04
D,X	<p>JOSHI C P ET AL: "Conserved sequence motifs in plant S-adenosyl-L-methionine-dependent methyltransferases" PLANT MOLECULAR BIOLOGY, SPRINGER, DORDRECHT, NL, vol. 37, 1998, pages 663-674, XP002988491 ISSN: 0167-4412 * abstract * * table 1 *</p>	1-19	TECHNICAL FIELDS SEARCHED (IPC) C12N
LACK OF UNITY OF INVENTION <p>The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:</p> <p>see sheet B</p> <p>The present partial European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims.</p>			
Place of search Munich		Date of completion of the search 24 July 2009	Examiner Niebuhr-Ebel, K
CATEGORY OF CITED DOCUMENTS		T: theory or principle underlying the invention E: earlier patent document, but published on, or after the filing date D: document cited in the application L: document cited for other reasons A: member of the same patent family, corresponding document	
X: particularly relevant if taken alone Y: particularly relevant if combined with another document of the same category A: technological background O: non-written disclosure P: intermediate document			



PARTIAL EUROPEAN SEARCH REPORT

Application Number

EP 09 00 4548

DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (IPC)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
D,A	HOLTON TIMOTHY A ET AL: "Genetics and biochemistry of anthocyanin biosynthesis" PLANT CELL, vol. 7, no. 7, 1995, pages 1071-1083, XP002406599 ISSN: 1040-4651 * page 1071, left-hand column, last paragraph * * page 1078, left-hand column, paragraph 3 * * page 1078, right-hand column, paragraph 4 - paragraph 5 * * page 1080, left-hand column, last paragraph - right-hand column, paragraph 2 *	1-19	TECHNICAL FIELDS SEARCHED (IPC)



LACK OF UNITY OF INVENTION
SHEET B

Application Number
EP 09 00 4548

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

1. claims: 1-19 (in part)

Nucleic acid encoding a flavonoid methyltransferase (FMT) from *Petunia*, the amino acid of which is represented by SEQ ID Nos: 2, 5 and 7, methods of use and modified plants.

2. claims: 1-19 (in part)

Nucleic acid encoding a flavonoid methyltransferase (FMT) from *Fuchsia*, the amino acid of which is represented by SEQ ID Nos: 22, 42 and 44, methods of use and modified plants.

The application lacks unity as required by Rule 30 EPC and Art. 82 EPC: Art. 82 EPC states that for unity of invention to be present all subject matter should be linked by a single general concept. This amounts to a requirement that this single general concept must be novel and inventive. 2 separate inventions have been identified. The common concept linking together the proteins represented by SEQ ID Nos: 2 (from *Petunia*) and 44 (from *Fuchsia*) is the fact that they both represent members of the family of flavonoid methyltransferases. However, flavonoid methyltransferases (FMT) are known in the art. D3 ((Holton et al., 1995) discloses the genetics and biochemistry of anthocyanin biosynthesis in different plants and specifically mentions anthocyanin methyltransferases. This common concept is known in the art and therefore not novel. Furthermore, the primary sequences of the FMT from *Petunia* and *Fuchsia* show essential structural differences (homology *Petunia*-*Fuchsia*: 63.7%). Therefore there is no single general inventive concept among the claimed separate inventions and there are no features which define a contribution that each of the claimed inventions as a whole makes over the prior art, i.e. "special technical features" within the meaning of of Rule 30 (1) EPC. Therefore the requirements of Art. 82 are not met.